IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CR No. 89 of 2005

DATE OF DECISION: 29 .5.2007

Pardeep Kumar **...Petitioner**

VERSUS

Chunni Lal & Others **...Respondents**

CORAM

HON'BLE MR.JUSTICE PERMOD KOHLI

PRESENT: Mr.Sanjiv Gupta, Advocate for the petitioners

Ms.Rajwinder Kaur, Advocate for
Mr.Tajender Joshi, Advocate

Permod Kohli,J. (Oral)

This Revision Petition is directed against the order dated 6.5.2004 passed by the Civil Judge (Jr.Division), Chandigarh dismissing the application of the plaintiff/petitioner for amendment of the plaint. The trial court has rejected the application on the ground that the amendments sought to be introduced are inconsistent with the previous pleas taken by the plaintiff/petitioner.

I have perused the impugned order passed by the trial court. I fail to understand how this should be a ground for rejection of

the application for amendment particularly when the suit was itself at the initial stage and even issues had not been framed. I am of the opinion that the ground for rejection of the application is not sustainable. This is particularly so because the suit itself was at the initial stage. The defendant/respondent has the right to reply to the amendment after the same is introduced and both the parties are yet to lead their respective evidence. It is settled law that the Court should be liberal in allowing amendments, except when the nature of the suit is changed with the introduction of the amendments sought for. I do not think that the plaintiff's case falls within that exception so as to disallow the amendments.

This revision petition is accordingly allowed. Order impugned dated 6.5.2004 passed by the trial court is set aside and the amendment application of the petitioner is allowed. The petitioner may file the amended plaint within four weeks from today and the defendants shall have the right to file written statement to the amended plaint under rules. Parties are directed to appear before the trial court on the next date of hearing.

Copy of this order be given dasti duly authenticated by the Reader of this Court.

(PERMOD KOHLI)
JUDGE

29 .5.2007
MFK

NOTE: Whether to be referred to the Reporter or not:YES